

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)	
)	
)	
v.)	
)	Docket no. 2:19-cr-00030-GZS
MICHAEL LIBERTY, et al.,)	
)	
)	
Defendants.)	
)	

**PROCEDURAL ORDER
RE: UNSEALING OF DOCUMENTS**

On February 12, 2020, the Court issued its Order Regarding the Abrogation of Attorney-Client Privilege (ECF No. 119) and its Procedural Order Regarding Attorney-Client Privilege Issues (ECF No. 117). Because of the privilege issues raised by the Government's Motion (ECF No. 86), all filings related to that Motion have remained sealed and unavailable to the public, the Government's Prosecution Team, and Counsel for Mr. Hess. Having reviewed the sealed responses to the Court's Order to Show Cause (ECF Nos. 124 & 127) and also conducted a conference of counsel regarding these issues, the Court now ORDERS as follows:

- (1) Exhibit NN (ECF No. 86-22) shall remain permanently sealed because it contains personal identifying information that should be redacted in accordance with Federal Rule of Criminal Procedure 49.1. The Government shall file a properly redacted version of the exhibit forthwith and no later than March 6, 2020.
- (2) The Clerk is directed to unseal the following items and make them available on the public docket: ECF Nos, 85, 86, 86-1 through 86-21, 87, 88, 90, 91, 92, 93, 117, 118, 119, 123, 126, 127 & 128.

(3) With respect to Defendant's Response (ECF No. 89), that Response, as well as five specific exhibits attached to the response (Def. Exs. K, M, N, O & R (ECF Nos. 89-11, 89-13, 89-14, 89-15 & 89-18) shall remain SEALED pending further order of the Court. Additionally, Defendant's Response to the Order to Show Cause (ECF No. 124), along with the attached Exhibits A through E (ECF Nos. 124-1 through 124-5, shall remain sealed. This limited continued sealing is based on the Court's finding that there is a substantial likelihood that Defendant Liberty's right to a fair trial may be prejudiced by the present disclosure of these unredacted documents, which reflect Defendant's potential trial strategy. See In re Providence Journal Co., Inc., 293 F.3d 1, 13-16 (1st Cir. 2002). However, the Clerk shall unseal Defendant's redacted Response (ECF No. 124-6), which is a redacted version of ECF No. 89.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 25th day of February, 2020.